

32692  
Customer Number

Patent  
Case No.: 58343US005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: YODA, AKIRA  
Application No.: 10/538450 Confirmation No.: 3798  
Filed: December 15, 2003  
Title: FLEXIBLE MOLD FOR A BACK SURFACE PLATE OF A PLASMA DISPLAY  
PANEL (PDP) AND PROTECTION METHODS OF THE MOLD AND BACK  
SURFACE PLATE

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**RENEWED PETITION UNDER 35 USC § 1.47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.47(a) and 35 U.S.C. §116, second paragraph, Applicant submits this renewed petition that the above-identified application may be made by joint inventors Akira Yoda, Hiroshi Kikuchi, and Takaki Sugimoto on behalf of Chikafumi Yokoyama, a joint inventor that has refused to sign the application.

As evidenced by the attached Declaration of Carolyn A. Fischer, Applicant has made a bona fide attempt to present the above-identified patent application and corresponding Declaration and Power of Attorney to Chikafumi Yokoyama and he has refused to sign for this application.

The last known address of Chikafumi Yokoyama is 6-25-30, Minami-Kurihara, Zama-shi, Kanagawa, 228-0015, Japan

In accordance with MPEP 409.03(a), Applicant has included a copy of the declaration executed by joint inventors Akira Yoda, Hiroshi Kikuchi, and Takaki Sugimoto. The required fee provided in 37 C.F.R. §1.17(h) will be paid at the time of

EFS-Web submission. Please also charge any additional fees or credit any overpayment to Deposit Account No. 13-3723.

Respectfully submitted,

October 2, 2006

Date

By: /Carolyn A. Fischer/

Carolyn A. Fischer, Reg. No.: 39,091

Telephone No.: 651-575-3915

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833

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**SUPPLEMENTAL DECLARATION OF**  
**CAROLYN A. FISCHER**  
**IN SUPPORT OF 35 CFR § 1.47(a)**

I, Carolyn A. Fischer, state as follows:

1. I am a Patent Agent with the 3M Innovative Properties Company, the Assignee of the above-identified application.

2. A JP patent application (No. JP 2003-002464) was filed January 8, 2003 naming Akira Yoda, Hiroshi Kikuchi, Chikafumi Yokoyama, and Takaki Sugimoto as joint inventors. I prepared Attorney Docket No. 58343US005, U.S. Patent Application Serial No. 10/538450, filed June 10, 2005, that was a 35 USC § 371 filing of PCT/US2003/039866 that claimed priority to JP 2003-002464 under 35 U.S.C. 119.

3. On November 28, 2005, I sent a copy of patent application Attorney Docket No. 58343US005 along with the Assignment as well as the Declaration and Power of Attorney to

Toshio Tamura, the Manager of the Intellectual Property Department of Sumitomo 3M, to obtain the signature of the inventors.

4. The Assignment as well as the Declaration and Power of Attorney for patent application Attorney Docket No. 58343US005 was returned to my attention bearing the signature of Akira Yoda, Hirochi Kikuchi, and Takai Sugimoto. I also received the attached written statement from Toshio Tamura stating that Chikafumi Yokoyama had refused to sign such documents.

5. I submitted Toshio Tamura's statement as evidence of Chikafumi Yokoyama's refusal to sign along with a petition under 37 CFR 1.47(a).

6. On June 19, 2006, Applicant's petition under 37 CFR 1.47(a) was dismissed by the United States Patent and Trademark Office because Toshio Tamura's statement was not in compliance with MPEP409.03(d).

7. I personally sent Chikafumi Yokoyama the attached e-mail on August 28, 2006 inquiring about his refusal to sign documents in connection with four U.S. patent applications, Attorney Docket Nos. 58821US006, 58343US005, 59452US005, and 60320US002. I included as attachments each of the patent applications along with the Assignment as well as the Declaration and Power of Attorney for each of these patent applications.

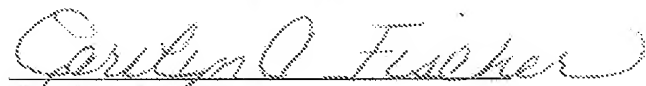
8. On August 30, 2006 I received the attached e-mail reply from Chikafumi Yokoyama that he refused to sign the patent documents pertaining to Attorney Docket No. FN59452US005 because he did not agree with the inventorship.

9. On August 31, 2006 I sent the attached e-mail explaining that it was my understanding that Jim Lilly, a US Patent Attorney had investigated the inventorship of Attorney Docket No. FN59452US005 and found no evidence that the inventorship was incorrect. I also inquired about Chikafumi Yokoyama's reason for not signing the documents in connection with Attorney Docket Nos. 58821US006, 58343US005, and 60320US002.

10. On September 14, 2006 I sent the attached follow-up e-mail.


11. Since I have not received any additional correspondence from Chikafumi Yokoyama since his August 30, 2006 e-mail, I have concluded that his lack of response substantiates Toshio Tamura's statement that Chikafumi Yokoyama has refused to sign the documents in connection with Attorney Docket Nos. FN59452, FN 58821US006, 58343US005, and 60320US002.

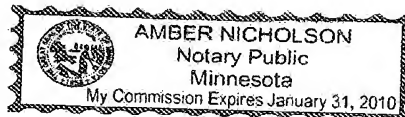
FURTHER AFFIANT SAITH NOT.

  
Carolyn A. Fischer

Subscribed and sworn to before me, this

2<sup>nd</sup> day of October, 2006

  
Notary Public





Carolyn A.  
Fischer/LA-Legal/3M/US  
09/14/2006 02:32 PM

To "Chikafumi Yokoyama" <yokoyama@reprocell.com>  
cc  
bcc

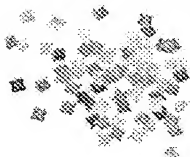
Subject Fw: 3M Patent Application Documents

In the event that you did not receive my reply to your e-mail of 8-30-2006, I am forwarding such reply to your attention. I understand that you do not agree with the inventorship determination of FN59452US005. However, it was previously determined that although Hiroshi Kikuchi may not have collaborated with you directly, he collaborated with Akira Yoda in the conception of at least one of the patent claims.

Do you also disagree with the inventorship of 58821US006, 58343US005, and 60320US002 or are you simply unwilling to cooperate?

3M Office of Intellectual Property Counsel  
Mail Address: 220-9E-01 Office Location: 220-9-SW26  
Tel: 651/575-3915 Fax: 651-736-3833  
This communication contains confidential information intended only for the addressee(s) named below and may contain information that is legally privileged.

----- Forwarded by Carolyn A. Fischer/LA-Legal/3M/US on 09/14/2006 02:21 PM -----



Carolyn A.  
Fischer/LA-Legal/3M/US  
08/31/2006 03:57 PM

To "Chikafumi Yokoyama" <yokoyama@reprocell.com>  
cc

Subject Re: 3M Patent Application Documents

3M Office of Intellectual Property Counsel  
Mail Address: 220-9E-01 Office Location: 220-9-SW26  
Tel: 651/575-3915 Fax: 651-736-3833  
This communication contains confidential information intended only for the addressee(s) named below and may contain information that is legally privileged.

Thank-you very much for your timely response.

It is my understanding that Jim Lilly investigated the inventorship of the FN59452US005 patent application around the time this case was filed and found no evidence to support that the inventorship was incorrect. Would it be helpful if I explained the US law as it relates to joint inventorship?

Is it your position that you will not sign the documents for 58821US006, 58343US005, and 60320US002 unless I delete Hiroshi Kikuchi as an inventor on FN59452US005?

"Chikafumi Yokoyama" <yokoyama@reprocell.com>



"Chikafumi Yokoyama"  
<yokoyama@reprocell.com>  
08/30/2006 09:43 PM

To <cafischer@mmm.com>  
cc

Subject Re: 3M Patent Application Documents



Dear Sir/Madam

Thank you very much for your e-mail.

It is true that Mr. Tamura asked me to put my signature on the patent application of FN59452US005 as an inventor and then that I refused to do it.

When I read through the patent application before putting my signature, I thought that the patent was composed of two ROIs (RI03054 and RI04017) in which my name alone is written as an inventor. However, the other two names were added in the patent as inventors: Akira Yoda and Hiroshi Kikuchi. Therefore, I asked Mr. Tamura to investigate who should be the inventors in the patent.

He made an effort to investigate it and answered that the patent was composed of three ROIs: RI03054 (C.Yokoyama, as an inventor), RI04017 (C. Yokoyama) and RI04082 (A. Yoda).

I replied to him that if his investigation is true then the inventors should be C. Yokoyama and A. Yoda alone and that the name of H. Kikuchi should be deleted as an inventor. In addition, I said that unless description of the inventors in the patent is revised then I will not put my signature.

Afterward, Mr. Tamura replied that US attorney made the decisions to make no revision in the patent and to submit it without my signature.

I think the first things to do for 3M company and the US attorney are to investigate the truth and then to go into action with sincerity and accountability.

Best regards

\*\*\*\*\*  
Chikafumi Yokoyama, PhD  
CEO  
ReproCELL, Inc.  
Tel: +81-3-3519-6559  
Fax: +81-3-3501-3590  
E-mail: yokoyama@reprocell.com  
Homepage: www.reprocell.com  
\*\*\*\*\*

----- Original Message -----  
From: <cafischer@mmm.com>  
To: <yokoyama@reprocell.com>  
Cc: <ttamura@mmm.com>

Sent: Tuesday, August 29, 2006 4:41 AM  
Subject: 3M Patent Application Documents

> 3M Office of Intellectual Property Counsel  
> Mail Address: 220-9E-01 Office Location: 220-9-SW26  
> Tel: 651/575-3915 Fax: 651-736-3833  
> This communication contains confidential information intended only for the  
> addressee(s) named below and may contain information that is legally  
> privileged.  
>  
>  
> Dear Mr. Chikafumi Yokoyama,  
>  
> It is my understanding that Toshio Tamura has presented you with a copy of  
> the patent application papers to obtain your signature on Assignment  
> documents as well as Declaration and Power of Attorney documents for  
> submission to the United States Patent and Trademark Office pertaining to  
> U.S. Patent Application Attorney docket numbers 58821US006, 58343US005,  
> 59452US005, and 60320US002. In the event that you do not recall these  
> applications and documents, I've attached a copy of each.  
>  
> Is it true that you have refused to sign these documents?  
>  
>  
>  
> (See attached file: 58821US006 Formal Papers Missing Parts.doc) (See  
> attached file: 58821WO and TW Application.doc) (See attached file:  
> 58343WO003 App.doc) (See attached file: 58343US005 Formal Papers missing  
> parts.doc) (See attached file: 59452US005 Application.doc) (See attached  
> file: 59452US005 Formal Papers Missing Parts.doc)  
> (See attached file: 60320US002-S3M-04053.doc) (See attached file:  
> 60320US002  
> Formal Papers.doc)



DUE DATE(S) \_\_\_\_\_  
ATTORNEY CAF  
DOCKETED me

## Statement

I, Toshio Tamura, personally contacted Yokoyama-san on December 12, 2005 to obtain the signature of Chikafumi Yokoyama on the Assignment as well as the Declaration and Power of Attorney documents for Attorney docket number 58343US005. Yokoyama-san refused to sign the documents.

Toshio Tamura

Dec. 12, 2005

Toshio Tamura ; Date

<b>DECLARATION AND POWER OF ATTORNEY, FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR § 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge 37 CFR § 1.16(e) required)	Case No:	58343US005
	First Named Inventor:	Akira YODA
	<b>COMPLETE IF KNOWN</b>	
	Application No.:	10/538450
	Filing Date:	December 15, 2003
	Art Unit:	
	Examiner Name:	

As a below named inventor, I hereby declare that my residence, mailing address, and citizenship are as stated below next to my name, and that I believe I am an original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FLEXIBLE MOLD FOR A BACK SURFACE PLATE OF A PLASMA DISPLAY PANEL (PDP) AND PROTECTION METHODS OF THE MOLD AND BACK SURFACE PLATE**

The specification of which

☐ is attached hereto;

☒ was filed on **June 10, 2005**  
as United States Application No.

**10/538450**

☒ is identified as PCT International Application No.  
filed on **December 15, 2003**

**PCT/US03/39866**

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC §§ 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application No.	Country	Foreign Filing Date (MM/DD/YYYY)	Priority NOT Claimed	Certified Copy Attached	
				YES	NO
JP 2003-002464	Japan	08 Jan. 2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby appoint Practitioners at Customer Number 32692 as my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

**Customer Number for  
Practitioner of Record: 32692**

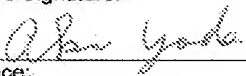
I also appoint the following Practitioners as my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: None

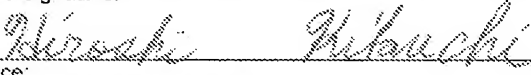
The mailing address and the telephone number of the above-identified attorneys and/or agents are that of Customer No. **32692**.

Inquiries regarding this application can be made to:

Attention: Carolyn A. Fischer  
Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Telephone No.: 651-575-3915

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.
Given Name (first and middle [if any]): Akira		Family Name or Surname: YODA
Inventor's Signature: 		Date: Nov. 30, 2005
Residence: Machida-city, Tokyo	Country: Japan	Citizenship: Japan
Mailing Address: P.O. Box 33427, St. Paul, Minnesota 55133-3427, USA		

<b>NAME OF JOINT INVENTOR, IF ANY:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.
Given Name (first and middle [if any]): Hiroshi.		Family Name or Surname: KIKUCHI
Inventor's Signature: 		Date: Nov. 30, 2005
Residence: Yamato-shi, Kanagawa Pref.	Country: Japan	Citizenship: Japan
Mailing Address: P.O. Box 33427, St. Paul, Minnesota 55133-3427, USA		

<b>NAME OF JOINT INVENTOR, IF ANY:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.
Given Name (first and middle [if any]): Chikafumi		Family Name or Surname: YOKOYAMA
Inventor's Signature:		Date:
Residence: Zama-shi, Kanagawa	Country: Japan	Citizenship: Japan
Mailing Address: P.O. Box 33427, St. Paul, Minnesota 55133-3427, USA		

NAME OF JOINT INVENTOR, IF ANY:		<input type="checkbox"/> A petition has been filed for this unsigned inventor.
Given Name (first and middle (if any)): Takaki		Family Name or Surname: SUGIMOTO
Inventor's Signature: <i>Takaki Sugimoto</i>		Date: <i>Dec. 8, 2005</i>
Residence: Komae-shi, Tokyo	Country: Japan	Citizenship: Japan
Mailing Address: P.O. Box 33427, St. Paul, Minnesota 55133-3427, USA		